

**ANTIGUA AND BARBUDA**



**FIRE AND RESCUE SERVICE BILL, 2023**

**No. of 2023**



**ANTIGUA AND BARBUDA**  
**FIRE AND RESCUE SERVICE BILL, 2023**  
**ARRANGEMENT OF CLAUSES**

**CLAUSES**

**PART I**

**PRELIMINARY**

1. Short title and Commencement
2. Interpretation
3. Application of other laws
4. Police Act and regulations not to apply

**PART II**

**ESTABLISHMENT, CONSTITUTION AND OBJECTIVES**

**OF THE FIRE AND RESCUE SERVICE**

5. Establishment of the Fire and Rescue Service
6. Constitution of the Fire and Rescue Service
7. Objectives and responsibilities of the Fire and Rescue Service
8. Adoption of National Fire Protection Association Codes

**PART III**

**APPOINTMENT, TENURE, OATH, REMUNERATION**

**AND EXITING THE FIRE AND RESCUE SERVICE**

9. Eligibility for appointment
10. Police officers transferred to the Service
11. Probation period for newly recruited fire officers
12. Tenure of office and conditions of service of fire officers
13. Oath and affirmation
14. Remuneration
15. Modes of exiting the Fire and Rescue Service

## **PART IV**

### **FUNCTIONS, DUTIES AND POWERS OF THE FIRE AND RESCUE SERVICE**

#### ***Division 1 – Functions***

16. Functions of the Fire and Rescue Service

#### ***Division 2 – Duties***

17. Duties of fire officers

#### **Division 3 – Powers**

18. Powers of fire officers in the discharge of their functions
19. Powers of commanding officers
20. General powers of entry
21. Specific powers of entry for obtaining information and conducting investigation

## **PART V**

### **CHIEF FIRE OFFICER**

22. Chief Fire Officer to command the Fire and Rescue Service
23. General responsibilities and powers of the Chief Fire Officer

### **PART VI – FIRE SUPPRESSION/RESCUE OPERATIONS & HAZARDOUS MATERIAL MITIGATION**

24. The Fire and Rescue Service to be the lead agency for rescue operations
25. Collaboration with other rescue agencies
26. Establishment of bodies to aid rescue operations
27. Fire Suppression Plan
28. Hazardous Material Mitigation

## **PART VII – OFFENCES**

29. Offences against discipline committed by members of the Service
30. Providing fraudulent information to obtain admission into the Service
31. Assaulting or interfering with an officer or the work of an officer of the Service
32. Personation of an officer of the service
33. Unlawful possession of clothing etc. of the Service
34. False alarms

**PART VIII**  
**FIRE SERVICE BOARD AND THE**  
**FIRE AND RESCUE SERVICE WELFARE ASSOCIATION**

35. Establishment of the Fire Service Board
36. Composition of the Board
37. Appointment to the Board, duration and termination of membership
38. Purpose of the Board
39. Meetings of the Board
40. Establishment of the Fire and Rescue Service Welfare Association
41. Functions of the Fire and Rescue Service Welfare Association
42. Membership of the Fire and Rescue Service Welfare Association

**PART IX – MISCELLANEOUS**

43. Special constables
44. Safety of fire officers
45. Immunity for members of the Service
46. Right of way of fire officers
47. Exemption from certain traffic laws
48. Volunteer fire officers
49. Importation of fire related articles
50. Funeral expenses
51. Annual report
52. Budgetary allocation
53. Power to amend Schedules
54. Regulations
55. Repeal
56. Transitional and savings

**SCHEDULES**

**ANTIGUA AND BARBUDA**  
**FIRE AND RESCUE SERVICE BILL, 2023**  
**NO. OF 2023**

**AN ACT** to make provision for a Fire and Rescue Service for Antigua and Barbuda, to establish its powers and functions, to make provision for the employment, training and welfare of its officers and to provide for other related and connected purposes.

**ENACTED** by the Parliament of Antigua and Barbuda as follows:

**1. Short title and Commencement**

(1) This Act may be cited as the Fire and Rescue Service Bill, 2023.

(2) This Act comes into force on a date which the Minister shall appoint, by notice published in the *Gazette*, and different Parts of this Act may come into force on different days.

**2. Interpretation**

In this Act—

“Association” means the Fire and Rescue Service Welfare Association established under section 40;

“Chief Fire Officer” means the person appointed as the Chief Fire Officer of the Fire and Rescue Service under section 22;

“Fire and Rescue Service” means the Antigua and Barbuda Fire and Rescue Service established under section 5;

“fire officer” means a person who is appointed to perform the duties of an officer in the Fire and Rescue Service;

“Fire Service Board” means the Board established under section 35 to regulate promotions, transfers and discipline of fire officers;

“hazardous materials” means a substance that is capable of posing a risk to health, safety, property or the environment and includes empty receptacles that have previously been used for the carriage of hazardous substances or hazardous wastes;

“hazardous material mitigation” means to take steps to control, eliminate or alleviate the direct or immediate threat to the public or the environment from hazardous materials;

“Minister” means the Minister with responsibility for Public Safety;

“occupier” in relation to a building, means the person who is in actual occupation of that building or, if there is no such person, the owner of the building;

“owner” in relation to a building, means the person who for the time being is entitled to the rent of the building or would be so entitled if the building were let, and includes the developer of a public building;

“pay” means the amount of money payable to an officer at a rate prescribed in respect of the rank of that officer;

“private dwelling house” means any building constructed and used for the dwelling of one individual or one family, or any building which is adapted for the dwelling of one individual or one family;

“public building” means any building enclosure or other area or part of a building enclosure to which the public has access either generally or conditionally and whether on payment or otherwise;

“rank” means a classification in the Service as set out in the First Schedule;

“remuneration” means pay and allowances;

“rescue operation” means an operation organized to free people from danger or confinement;

“trainee firefighter” means a person who undergoes a programme of induction training for the purpose of holding office in the Service.

### **3. Application of other laws**

The terms and conditions of employment, remuneration and pension rights of fire officers, not specifically provided for by this Act, shall be governed by the provisions of—

- (a) regulations made under this Act;
- (b) applicable pensions laws; and
- (c) orders made pursuant to this Act.

### **4. Police Act and regulations not to apply**

Save for section 74, upon commencement of this Act, the Police Act, Cap. 330 and any regulations made pursuant to it shall not apply to the Fire and Rescue Service.

**PART II**  
**ESTABLISHMENT, CONSTITUTION AND OBJECTIVES**  
**OF THE FIRE AND RESCUE SERVICE**

**5. Establishment of the Fire and Rescue Service**

There is established, in the Ministry responsible for Public Safety, a Service to be known as the Fire and Rescue Service (hereinafter referred to as “the Service”).

**6. Constitution of the Fire and Rescue Service**

The Service shall consist of a Chief Fire Officer, fire officers of classified ranks as set out in the **First Schedule** and subject to section 48, such number of volunteer fire officers as may be required from time to time.

**7. Objectives and responsibilities of the Fire and Rescue Service**

(1) The Service shall have overall responsibility for fire safety and protection and shall be the authority for the development of premises, from the design stage through construction, and for any alteration, repair or demolition of such premises.

(2) Without generality to subsection (1), the specific objectives of the Service are to—

- (a) prevent and control the outbreak of fire;
- (b) protect and save life and property from damage or destruction by fire or other hazards, whether fire related or not;
- (c) educate the general public on preventative measures that may be taken to prevent the recurrence of such damage and destruction;
- (d) conduct investigations in order to determine the cause or origin of a fire, or other hazard requiring the expertise of the fire Service;
- (e) carry out motor vehicle extrication;
- (f) execute hazardous material mitigation; and
- (g) render rescue services where and when required.

**8. Adoption of National Fire Protection Association Codes**

(1) The provisions of the National Fire Protection Association Standards and Codes of Practice as amended from time to time (hereinafter referred to as the “NFPA Codes”) shall have force of law in Antigua and Barbuda and shall be construed with the necessary modifications to bring them into conformity with this Act and Regulations made pursuant to this Act.



(2) A copy of the NFPA Codes shall be kept at every fire station in Antigua and Barbuda or at some other convenient location and made available for inspection by members of the public during regular office hours, without charge.

### **PART III**

#### **APPOINTMENT, TENURE, OATH, REMUNERATION**

#### **AND MODES OF EXITING THE FIRE AND RESCUE SERVICE**

#### **9. Eligibility for appointment to the Fire and Rescue service**

(1) Subject to subsection (2), a person shall be appointed to the Service if that person satisfies the prescribed conditions regarding recruitment.

(2) A person is eligible to be appointed to a post in the Service if that person—

(a) is not less than 18 years old and is not older than 30 years old;

(b) has satisfactorily passed a medical examination which attests to the physical fitness of the person, and which was carried out by a duly qualified medical doctor registered under section 13 of the Medical Practitioners Act, 2009;

(c) has produced a certificate issued by the Commissioner of Police which evidences the good character of that person;

(d) has attained such standard of education and qualifications as may be prescribed in regulations pursuant to this Act;

(e) has passed such tests and interviews as may be prescribed; and

(f) has successfully completed a course of training as a trainee firefighter.

#### **10. Transfers between the Police Force and the Service**

(1) Upon full commencement of this Act, a police officer who is desirous of transferring from the Royal Police Force to the Service, or a fire officer who is desirous of transferring from the Service to the Royal Police Force shall communicate in writing his or her desire to transfer to the Service to the Commissioner of Police or the Chief Fire Officer, as the case may be.

(2) Where the police officer or a fire officer has obtained approval for such transfer and has received the necessary training and subject to a vacancy in the rank which is equivalent to the rank held by the officer that officer shall, upon finalization of the transfer process, cease to be a police officer or a fire officer and shall become an officer in the Service or in the Police Force.

(3) A police officer or a fire officer who has been transferred shall—

(a) have continuity of service which is not affected as a result of the transfer;

- (b) be appointed to a rank which is equivalent to the rank held by that officer immediately before the effective date of transfer to the Service or the Police Force; and
- (c) enjoy pay and conditions of service which is not less favourable than the terms and conditions enjoyed by that officer as an officer in the Royal Police Force or the Service.

#### **11. Probation period for newly recruited fire officers**

(1) A fire officer who has been recruited to the Service shall be on probation for a period of one year.

(2) Notwithstanding subsection (1), the Chief Fire Officer may, in respect of a particular fire officer, request that the Fire Service Board—

- (a) reduce the period of probation to less than one year if that person has served for at least two years in the Service or the Police Force on a prior occasion; or
- (b) dispense with the period of probation if such person has served in the Fire Service for a period of more than two years and this is evidenced by a recommendation of the Chief Fire Officer of the Fire Service where the officer has previously served; or
- (c) extend the period of probation for a further period not exceeding one year.

(3) A fire officer who has successfully passed the probation period, shall be confirmed in his or her appointment to the Service at the end of the probation period.

#### **12. Tenure of office and conditions of service of fire officers**

(1) A fire officer shall—

- (a) hold office subject to the provisions of this Act and Regulations made thereunder and any other applicable law; and
- (b) be employed on such terms and conditions as are necessary and appropriate for the performance of his or her duties.

(2) Each fire officer shall be supplied with suitable uniform and equipment at the public expense in such manner as may be prescribed by regulations and orders.

(3) Each fire officer shall be entitled to hospital treatment and medical, surgical, ophthalmic and dental attention and treatment at the public expense subject to such terms and conditions as may be prescribed by regulations.

### 13. Oath and affirmation

Upon commencement of this Act, the following shall take the oath or make the affirmation for the due execution of the office of fire officer in the Service in the manner set out in the **Second Schedule**—

- (a) each fire officer serving in Antigua and Barbuda who has indicated in writing to the relevant authority that he or she wishes to remain a fire officer;
- (b) a fire officer who was seconded or transferred to the police force and who has been sent back to the Service after he or she has expressly indicated in writing a desire to return to the Service;
- (c) a police officer who has expressly indicated in writing to the relevant authority that he or she wishes to become a member of the Service, and who, after obtaining approval, has received the necessary training as a fire officer; and
- (d) each trainee firefighter who successfully completes firefighting training.

### 14. Remuneration

(1) In this section—

“allowance” means compensation payable—

- (a) to a fire officer in respect of a grade or in respect of some offices in a grade, by reason of duties of a special nature; and
- (b) for duties that a fire officer is required to perform in addition to the duties of his grade where those duties relate to an office in the same grade or a higher grade.

(2) A fire officer is entitled to the prescribed pay of the rank to which that officer has been appointed.

(3) A fire officer shall receive a remuneration which includes, in addition to the prescribed pay of that officer’s rank, any allowances which may be recommended by the Chief Fire Officer and subsequently approved by the Public Service Commission.

(4) Notwithstanding subsection (2), a fire officer’s salary may incur deductions, but such deduction shall not occur unless that officer has been notified in writing at least one month in advance.

(5) A notification issued to a fire officer under subsection (4) shall state the reasons for the proposed deduction.

(6) Notwithstanding subsection (4), where the debt is owed to the Government or has been incurred as a penalty after disciplinary proceedings, such sums may be deducted from the fire officer’s salary without notifying the fire officer.

(7) A fire officer may request a deduction from the officer’s salary in writing.

## **15. Modes of exiting the Fire and Rescue Service**

A fire officer may exit the Service in any of the following ways—

- (a) dismissal as a result of disciplinary proceedings;
- (b) resignation of office;
- (c) abandonment of office as a result of being absent from duty for a period in excess of one month without lawful excuse;
- (d) retirement which is—
  - (i) compulsory;
  - (ii) voluntary;
  - (iii) due to medical reasons; or
  - (iv) in the public interest.

## **PART IV**

### **FUNCTIONS, DUTIES AND POWERS OF THE FIRE AND RESCUE SERVICE**

#### *Division 1 – Functions*

## **16. Functions of the Fire and Rescue Service**

The Service shall be responsible for—

- (a) extinguishing any outbreak of fires;
- (b) rescuing people and protecting property in the event of fire, road traffic accident, hurricanes or any other natural or man-made disaster;
- (c) safeguarding lives and property and by extension the economy, by preventing or minimizing the dangerous effects of fires, explosions or other hazards which may potentially threaten health and safety;
- (d) carrying out regular inspections of public buildings, business premises and private residences to ensure a safe working and living environment by minimizing any potential risk of fire and other hazards relating to life, health and safety in such buildings;
- (e) carrying out regular inspections of premises in which hazardous materials are stored;
- (f) planning and preparing fire prevention and inspection programmes;
- (g) preparing detailed policy guidelines which address—
  - (i) extinguishing of fires;
  - (ii) setting fire safety standards;

- (iii) hazardous materials mitigation; and
- (iv) rescuing and protecting life and property in the event of fire, road traffic accident, hurricanes or any other natural or man-made disaster;
- (h) promoting fire safety in Antigua and Barbuda by carrying out public awareness campaigns about fire prevention methods;
- (i) carrying out any other function which is conferred on it by this Act, any other law or by the Minister;
- (j) doing anything which is incidental, related, necessary or desirable to carry out the functions outlined in paragraphs (a) to (i).

### *Division 2 – Duties*

#### **17. Duties of fire officers**

(1) Subject to subsection (2), it shall be the duty of each fire officer to perform such functions as are required to be performed by that officer under this Act or any other law.

(2) A fire officer shall—

- (a) preserve life and property from fires, accidents, hurricanes and any other natural and man-made disasters;
- (b) take all reasonable steps to ensure the control, reduction, elimination or removal of hazards, whether fire related or not;
- (c) report any hazard in paragraph (b) to the Chief Fire Officer or appropriate senior officer for necessary action;
- (d) report to the Chief Fire Officer any act or omission which occurred before, during or after a fire, hurricane or other natural and man-made disaster and which in the opinion of the fire officer, contributed directly or indirectly to danger or damage to persons, property or the environment; and
- (e) perform any other duty which is expected of a member of the Service.

### *Division 3 – Powers*

#### **18. Powers of fire officers in the discharge of their functions**

(1) A fire officer who is present at any fire, road traffic accident, the aftermath of a hurricane or any other natural or man-made disaster may—

- (a) close any street to the traffic or regulate such traffic if it is necessary to do so; or

(b) designate an area as a zone in which no unauthorised person shall enter or remain, unless that person is carrying out a function set out under section 13 or is given permission by the incident commander.

(2) A fire officer who is attempting to carry out any function stipulated under this Act shall have the power to arrest without a warrant any person who assaults or obstructs or attempts to assault or obstruct that fire officer in the execution of his or her duties.

### **19. Powers of commanding officers**

(1) The most senior fire officer who assumes control at any fire shall have sole command of all firefighting operations or any other operation pertaining to the Service.

(2) The power of command mentioned under subsection (1) includes, but is not limited to—

- (a) fixing the positions of any fire appliances;
- (b) attaching hoses to any available water supply;
- (c) using any water supply; and
- (d) determining against which part of the premises on fire, water is to be directed.

(3) The most senior fire officer who is present at any fire may, if that officer thinks it is necessary—

- (a) stop, prohibit, control or otherwise regulate the movement of vehicular traffic on, in or from any road or street if such an action is necessary for successfully extinguishing the fire;
- (b) remove or direct any other fire officer or any police officer to remove from the scene of the fire, any person who interferes with, or attempts to interfere with the operations of the Service;
- (c) take command of other persons who have voluntarily given their assistance to the Service;
- (d) cause any water to be shut off from the water mains or pipes in the community in order to provide adequate water to extinguish the fire;
- (e) cause water to be extracted from any well, pond, stream, tank, water receptacle or water facility in order to control the spread of the fire or to extinguish the fire;
- (f) cause electrical power to be suppressed from any operation; and
- (g) do anything which will assist in controlling the spread of fire and aid in extinguishing the fire.

**20. General powers of entry**

(1) Fire officers may, in discharging any function under section 16, enter any premises in order to—

- (a) extinguish the fire;
- (b) prevent the fire from spreading;
- (c) protect the premises;
- (d) safely deal with any hazardous materials;
- (e) rescue any person from the premises.

(2) The entry into any premises by fire officers under subsection (1) may be done with or without the consent of the owner or occupier of the premises.

(3) Where fire officers have entered premises in pursuance of subsection (1), they shall do all things which are necessary to extinguish the fire, control the spread of the fire or to accomplish any other purpose which necessitated such entry.

**21. Specific powers of entry for obtaining information and conducting investigation**

(1) A fire officer may, at any reasonable time, enter any premises for the following reasons—

- (a) to obtain information which is necessary for executing any function or duty outlined under sections 16 and 17 respectively;
- (b) to carry out investigations to determine the cause of a fire or explosion;
- (c) to carry out investigations to determine the cause of a release of chemicals or toxic substances.

(2) Where the premises is occupied as a private dwelling house, a fire officer shall not enter such premises for any purpose outlined under subsection (1) unless a notice in writing by the Chief Fire Officer is served to the owner or occupier of the premises within a reasonable time in advance of the planned entry.

(3) Where the premises where there was a fire was occupied as a private dwelling immediately before the fire, a fire officer shall not enter such premises to carry out any investigation unless a notice in writing by the Chief Fire Officer is served to the occupier of the premises within a reasonable time in advance of the planned entry.

## PART V

### CHIEF FIRE OFFICER

#### 22. Chief Fire Officer to command the Fire and Rescue Service

(1) The Chief Fire Officer shall, subject to the general directions of the Minister, have command of the Service, and be responsible for the efficient administration of the Service.

(2) The Chief Fire Officer shall, in conjunction with the Permanent Secretary for the Ministry of Public Safety, be responsible for the proper expenditure of all public moneys appropriated for the operations of the Service.

#### 23. General responsibilities and powers of the Chief Fire Officer

(1) By virtue of being in command of the Service, the Chief Fire Officer shall exercise several powers and responsibilities including, but not limited to—

- (a) implementing the necessary strategies to fulfil the objectives of the Service as set out under section 7;
- (b) assigning specific duties to fire officers and reassigning those duties as necessary;
- (c) monitoring the performance of fire officers in the execution of their duties;
- (d) disciplining fire officers below the rank of Sub Officer;
- (e) making recommendations to the Fire Service Board for the transfer or promotion of any fire officer;
- (f) making policies which are incidental to the Service;
- (g) keeping the Minister updated on matters relating to the Service;
- (h) preparing adequate emergency and rescue plans and procedures; and
- (i) doing anything which is necessary in order to ensure the efficient operation of the Service.

(2) It shall be the special duty of the Chief Fire Officer at the close of every financial year, to report to the Minister in writing regarding—

- (i) the condition of the fire tenders, hydrants and other property under his or her charge;
- (ii) the number of fires which occurred during such year and the causes;
- (iii) the number and description of buildings destroyed or damaged during such year and the names of the owners or occupiers;
- (iv) the number of rescue operations executed by the Service during such year; and
- (v) any other information which in his or her opinion is necessary.



**PART VI**  
**RESCUE OPERATIONS, FIRE SUPPRESSION**  
**& HAZARDOUS MATERIAL MITIGATION**

**24. The Fire and Rescue Service to be the lead agency for rescue operations**

In the event of a fire, accident, hurricane or any other natural or man-made disaster, the Service shall take the lead in any search, rescue and recovery operation.

**25. Collaboration with other rescue agencies**

Notwithstanding section 24, members of the Service may co-ordinate and work along with the Emergency Medical Services, the Police Force, the Defence Force, the National Office of Disaster Services and any other relevant organization to successfully execute rescue operations where necessary.

**26. Establishment of bodies to aid rescue operations**

The Service shall establish any relevant body and sanction any number of training sessions which are necessary to enable it to execute rescue operations as needed.

**27. Fire Suppression Plan**

(1) For the purposes of extinguishing any outbreak of fires, the Service shall prepare or cause to be prepared a fire suppression plan which sets out the procedure that should be followed in respect of attending to an outbreak of fire.

(2) Members of the Service shall be apprised of the contents of any fire suppression plan that has been prepared and shall have a working knowledge of the procedures to be followed in any fire service operations.

**28. Hazardous Material Mitigation**

(1) Subject to subsection (2), it shall be the responsibility of the Service to carry out hazardous material mitigation.

(2) The Service shall prepare a Hazardous Material Mitigation Policy which outlines, among other things—

- (a) the manner in which the Service will deal with hazardous materials incidents to reduce the risk of contamination;
- (b) the type of training that the fire officers will receive to raise awareness of the dangers of hazardous materials, to reduce the risk of exposure and to protect themselves, the public and the environment;

- (c) the procedures to be followed for decontamination and disposal of hazardous materials.

## **PART VII**

### **OFFENCES**

#### **29. Offences against discipline committed by members of the Service**

- (1) A fire officer commits an offence against discipline if the fire officer—
  - (a) wilfully disobeys any direction or order of the Chief Fire Officer or another person having authority over the fire officer;
  - (b) is absent from duty without leave duly granted or without reasonable cause;
  - (c) wilfully fails to comply with any code of conduct stipulated for fire officers;
  - (d) pawning, selling, losing by neglect, making away with, wilfully spoiling or damaging accoutrements or any public property;
  - (e) contravenes any relevant provision of this Act and Regulations made pursuant to it;
  - (f) feigns or exaggerates any illness or injury with a view to evading duty;
  - (g) is under the influence of any controlled drug contrary to the Misuse of Drugs Act, Cap. 283 or any alcoholic beverage while on duty;
  - (h) is insubordinate to a senior fire officer through words or conduct;
  - (i) does anything that is likely to prejudice the good order, efficient conduct and discipline of the Service; or
  - (j) does any act which amounts to an act of misconduct or tends to bring the Service into disrepute.
- (2) A fire officer who commits a disciplinary offence specified in subsection (1) or contravenes any relevant provision made under this Act or Regulations is liable to—
  - (a) dismissal from the Service;
  - (b) reduction to a lower rank with a corresponding reduction in pay;
  - (c) suspension without pay not exceeding 7 days;
  - (d) forfeiture or deferment of a salary increment or increase;
  - (e) a pecuniary penalty not in excess of \$250; or
  - (f) a reprimand, whether severe or otherwise.

(3) Without prejudice to subsection (2), a fire officer who is absent from duty without leave duly granted or without reasonable cause is liable to forfeiture of pay for the period of absence from duty without such leave.

(4) A fire officer shall not be demoted to a lower rank, suspended without pay or dismissed from the Service unless—

- (a) an investigation has been conducted; and
- (b) a report with the requisite recommendation is prepared by the Chief Fire Officer and sent to the Fire Service Board; and
- (c) the fire officer in question is given an opportunity to make representation on his or her behalf or to be represented by a fire officer of his or her choice who is of the same or higher rank, or by legal counsel; and
- (d) a decision upholding the recommendation is handed down by the Fire Service Board; and
- (e) the fire officer in question is given an opportunity to appeal the decision handed down by the Fire Service Board to the Public Service Board of Appeal, should that officer feel aggrieved with the decision.

### **30. Providing fraudulent information to obtain admission into the Service**

(1) A person commits an offence if that person knowingly—

- (a) uses or attempts to pass off any forged or false certificate, character letter or other document for the purpose of obtaining admission into the Service; or
- (b) provides a false answer to any question put to that person during an interview conducted for gaining employment in the Service.

(2) A person who contravenes subsection (1) is liable on summary conviction to imprisonment not exceeding 6 months.

### **31. Assaulting or interfering with an officer or the work of an officer of the Service**

(1) A person commits an offence if that person—

- (a) assaults, impedes, obstructs, resists or interferes with an officer of the Service in the execution of that officer's duties;
- (b) aids or incites another person to assault, impede, obstruct, resist or interfere with an officer of the Fire and Rescue Service in the execution of that officer's duties;
- (c) wilfully impedes, obstructs or interferes with any fire officer who is engaged in any fire-fighting operation; or

(d) wilfully removes, assists or is concerned with removing any chain, rope or other barrier placed in, upon or across any street or road pursuant to the provisions of this Act.

(2) A person who contravenes subsection (1) is liable on summary conviction to a fine of \$5,000 or to imprisonment not exceeding 6 months.

### **32. Personation of an officer of the Service**

(1) A person who, not being a fire officer, commits an offence if that person—

(a) puts on or assumes, either in whole or in part—

- (i) the dress, name, designation or description of any member of the Service, or
- (ii) any dress, name, or designation resembling and intended to resemble the dress, name or designation of any member of the Service; or

(b) in any way pretends to be a member of the Service for the purpose of—

- (i) obtaining admission into any building or other place, or
- (ii) doing any act which such person would not by law be entitled to do of his own.

(2) A person who contravenes subsection (1) is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of 6 months.

(3) Notwithstanding subsection (1), a person is not prevented from wearing the dress of a fire officer in the course of a stage play or concert or other similar performance provided that the person obtains the permission of the Chief Fire Officer.

### **33. Unlawful possession of clothing, etc. of the Service**

(1) A person who is not a member of the Service shall not—

(a) have in his or her possession any article of clothing, equipment or accoutrement supplied at the public expense to any member of the Service;

(b) knowingly purchase or obtain from a member of the Service—

- (i) the official clothes of, or any other article supplied to, that member of the Service at the public expense; or
- (ii) any article provided for any vehicle of the Service; or

(c) knowingly solicit or entice a member of the Service to sell or dispose of—

- (i) the official clothes or any article supplied to that member of the Service at the public expense, or
- (ii) any article provided for any vehicle of the Service.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$5,000 or to imprisonment for a term of 1 year.

**34. False alarms**

(1) A person shall not knowingly give or cause a false alarm to be given to a fire officer of the Service.

(2) A person who contravenes subsection (1) is liable on summary conviction to a fine of \$2,000.

**PART VIII**

**FIRE SERVICE BOARD AND THE**

**FIRE AND RESCUE SERVICE WELFARE ASSOCIATION**

**35. Establishment of the Fire Service Board**

There is established a board to be known as the Fire Service Board (hereinafter referred to as “the Board”).

**36. Composition of the Board**

(1) Subject to the approval of Cabinet, the Board shall be appointed by the Minister by instrument in writing and shall consist of—

(a) a Chairman; and

(b) six other members, three of whom shall be retirees of the Service for not less than 3 years, and one shall have a legal background.

(2) In the absence or inability of the Chairman to perform the functions assigned, a Deputy Chairman shall be chosen from among the six other members to perform the functions of the Chairman.

(3) Each member of the Board shall—

(a) not hold public office;

(b) be a citizen of Antigua and Barbuda;

(c) permanently reside in Antigua and Barbuda.

**37. Appointment to the Board, duration and termination of membership**

(1) A member of the Board shall be appointed for two years but shall be eligible for re-appointment and such re-appointment shall not in aggregate amount to more than six (6) years.

(2) The Chairman may, at any time, resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

(3) A member of the Board other than the Chairman, may resign his office by instrument in writing addressed to the Minister and transmitted through the Chairman two weeks before the stated date of resignation.

(4) Notwithstanding subsection (3), where the reason for resigning is of a medical nature, a member may resign his office with immediate effect.

(5) The Minister may, on the recommendation of the Chairman of the Board, revoke the appointment of any member of the Board, if a member is proven during his or her tenure, to have committed any acts of misconduct which would bring the Board and the Service into disrepute, or if the member has not performed at the required level.

### **38. Purpose of the Board**

The Board shall be empowered to carry out the following—

- (a) appoint newly recruited persons to the post of fire officer after they have fulfilled the recruitment process and successfully passed the recruit training programme;
- (b) approve special appointments to the Service on the recommendation of the Chief Fire Officer;
- (c) approve promotions from the rank of Sub Station Officer upwards;
- (d) critiquing promotion policies of the Service and making recommendations where necessary;
- (e) ensure that the correct procedures are followed in selecting officers for promotion within the Service;
- (f) approve the transfers of officers to ensure the smooth and efficient running of the Service;
- (g) order the deduction of any part of an officer's salary;
- (h) demote the rank of an officer for a prescribed period;
- (i) recommend the dismissal of any officer from the Service.

### **39. Meetings of the Board**

(1) The Board shall meet at least once per week and at such other times as may be necessary or expedient for the transaction of its business and such meetings shall be held at places and times and on such days as the Board may determine.

(2) The Chairperson or in his absence, the Deputy Chairperson, shall preside at a meeting of the Board.

(3) The decision of the Board shall be a majority of votes and in addition to an original vote, in any case in which the voting is equal, the Chairperson or in his absence the Deputy Chairperson shall have a casting vote.

(4) The quorum for any meeting of the Board shall be 5 members including the Chairman or Deputy Chairman.

(5) Minutes of each meeting shall be kept in proper form and shall be confirmed by the Chairperson or Deputy Chairperson, as soon as practicable thereafter at a subsequent meeting.

(6) Copies of the Minutes of each meeting of the Board shall be submitted to the members at the next meeting of the Board.

#### **40. Establishment of the Fire and Rescue Service Welfare Association**

There is established an organization to be called the Fire and Rescue Service Welfare Association (hereinafter referred to as “the Association”), which shall act through an Executive Committee as provided by regulations made under this Act.

#### **41. Functions of the Fire and Rescue Service Welfare Association**

The purpose of the Association shall be to enable subordinate fire officers to consider and bring to the attention of the Chief Fire Officer, the Fire Service Board and any other relevant authority, matters which affect the general welfare and efficiency of the subordinate fire officers.

#### **42. Membership of the Fire and Rescue Service Welfare Association**

Every member of the Service below the rank of Chief Fire Officer and Deputy Chief Fire officer is eligible to be a member of the Association.

### **PART IX – MISCELLANEOUS**

#### **43. Special Constables**

(1) Each officer of the Service shall be a special constable and shall act as such for the preservation of the peace and in the execution of his office.

(2) As a special constable, each fire officer shall have all such powers, authorities and immunities, and be subject to all such duties and responsibilities as are conferred or imposed upon a member of the police force after taking the prescribed oath, as set out under section 74 of the Police Act, Cap. 330.

#### **44. Safety of fire officers**

Where an operation—

- (a) involves the extinguishing or controlling of an outbreak of fire; or
- (b) requires the rescuing of persons—
  - (i) from a building on fire;
  - (ii) after an accident; or
  - (iii) during a hurricane or any natural or man-made disaster,

the fire officers shall take all reasonable steps to effectively execute their duties, but only to the extent that such steps do not endanger the safety and lives of the fire officers.

#### **45. Immunity for members of the Service**

(1) Except as otherwise provided in this Act, no person shall have any claim, right or remedy in respect of anything done in good faith by the Service in the due execution of its duties or functions under this Act.

(2) Any damage occasioned to any building or other property by any fire officer, or any person engaged or volunteering to assist any fire officer in controlling or extinguishing a fire shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

#### **46. Right of way to fire officers**

(1) A driver of a vehicle shall, to the extent practicable, give clear and uninterrupted passage to a fire officer or to any person acting under the direction of a fire officer who appears to be doing any act for the purpose of controlling or extinguishing a fire or dealing with any other emergency.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of \$1,000 or to imprisonment for a term of 6 months or to both.

#### **47. Exemption from certain traffic laws**

(1) Where driving a motor vehicle in accordance with that law is likely to hinder a fire officer in the execution of that officer's duties, the fire officer is exempt from liability to prosecution for any offence against any law relating to—

- (a) the driving of a motor vehicle in any prescribed direction on specific roads or against traffic signs or traffic lights; or
- (b) the maximum speed at which a motor vehicle is lawfully permitted to be driven on any public road.



(2) Where a fire officer drives a motor vehicle while in the execution of any duties under this Act or regulations made under this Act, the fire officer shall—

- (a) ensure that the officer drives such vehicle at a speed at which he or she has proper control of such vehicle; and
- (b) where applicable, ensure that such vehicle is displaying the correct emergency lights and siren.

(3) Nothing in this section shall be construed as exempting a fire officer from liability to prosecution for an offence against the traffic laws of Antigua and Barbuda, if the officer commits such offence as a result of his negligent, reckless or dangerous driving of a motor vehicle.

#### **48. Volunteer fire officers**

The Chief Fire Officer may recruit and utilize the services of volunteer fire officers subject to such terms and conditions as may be prescribed by regulations.

#### **49. Importation of fire related articles**

(1) A fire officer shall inspect any fire related article that a person has imported into Antigua and Barbuda at a prescribed port of entry.

(2) The inspector may advise the customs officer to release the fire related article to the importer if upon inspection, the inspector determines that the article does not pose a risk to the public or the environment.

(3) If the inspector determines after inspection that the fire related article poses a risk to the public or the environment, the inspector shall advise the customs officer to detain the fire related article and serve a written notice to the importer that the article will be subject to confiscation, destruction or any other appropriate treatment in order to remove the risk.

(4) An importer shall bear the costs of the inspection and any action taken by the customs officer.

#### **50. Funeral Expenses**

The Government of Antigua and Barbuda shall be responsible for covering the funeral expenses of a fire officer who dies—

- (a) while in active duty; or
- (b) after that officer has retired from the Service.

### **51. Annual report**

(1) The Chief Fire Officer shall, within three months after the end of the financial year, prepare and submit to the Minister a general annual report which sets out the activities of the Service during that year.

(2) The report shall contain a statement of accounts for the year and a copy of any report submitted by an auditor.

(3) The Minister shall lay copies of the report before the Legislature.

### **52. Budgetary allocation**

The Legislature shall authorise the payment from the Consolidated Fund of such annual sums of money as may be necessary to defray the expenses of the Service.

### **53. Power to amend Schedule**

The Minister may, by Order published in the Gazette, amend the Schedules in this Act.

### **54. Regulations**

(1) The Minister may make regulations to give effect to the provisions of this Act.

(2) Notwithstanding the generality of subsection (1) the Minister may, in particular, make regulations providing for—

- (a) the conditions of service of fire officers;
- (b) the admission, training, periods of service, discipline and discharge of fire officers;
- (c) the description, rank and insignia of the Service;
- (d) the description of uniforms to be provided;
- (e) supplementary powers of fire officers;
- (f) the precautions and measure to be taken for the prevention of fire;
- (g) the provision and maintenance of adequate equipment and facilities for rescue operations;
- (h) the provision and maintenance of adequate protection against fire and the spread of fire;
- (i) the provision, maintenance and regulation of adequate means of escape and associated safeguard for the protection of life from fire;
- (j) the containment, removal and rectification of fire hazards;
- (k) operational guidance pertaining to fire suppression;

- (l) a mitigation policy and operational guidance involving hazardous materials;
- (m) the manner of conducting investigations into the causes and circumstances of any fire;
- (n) the regulation of the type and nature of fire extinguishers;
- (o) the regulation of servicing and recharging of fire extinguishers;
- (p) the fees to be paid to the Service for any special duty or function rendered by any fire officer or for equipment supplied;
- (q) the keeping and production of statistical records or other information relating to fire and fire losses;
- (r) matters which are necessary for the rendering efficient discharge of the functions of the Service;
- (s) any matter of control which may from time to time be considered expedient for fire protection;
- (t) the prescription of anything required or authorised to be prescribed under this Act;
- (u) insurance of the lives of paid or volunteer fire officers;
- (v) the compensation payable to any paid or volunteer fire officer in the Service in the event that the officer is injured while on duty, or to his beneficiary in the event of the officer's death from such injury; and
- (w) the gratuities and rewards payable to any officer of the Service for extraordinary and meritorious service performed by him on the occasion of a fire.

## 55. Repeal

The following Acts are hereby repealed—

- (a) Fire Brigades Act, Cap. 170;
- (b) Bush Fires Act, Cap. 62.

## 56. Transitional and savings

Any provisions of the Police Act; Cap. 330 and any relevant regulations made pursuant to that Act which pertain to the appointment, promotion, transfer and disciplining of fire officers shall continue to apply until this Act is commenced and relevant regulations pertaining to the appointment, promotion, transfer and disciplining of fire officers have been made under this Act.

**FIRST SCHEDULE**

*(Section 6(1))*

**CLASSIFICATION OF RANKS**

The offices of fire officers showing ranks in descending order shall be as follows:

Chief Fire Officer  
Deputy Fire Chief  
Assistant Fire Chief  
Divisional Officer  
Assistant Divisional Officer  
Station Officer  
Sub. Station Officer  
Lead Fire Fighter  
Fire Fighter

## SECOND SCHEDULE

(Section 13)

### OATH AND AFFIRMATION FOR DUE EXECUTION OF OFFICE

#### *Oath*

I, A.B., having been appointed a member of the Fire and Rescue Service do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second and Her Heirs and Successors as a member of the Fire and Rescue Service of Antigua and Barbuda without favour, malice or ill-will and that I will abide by the law, rules and regulations which are or may be established under the Fire and Rescue Service Act, and will prevent to the utmost of my power the contravention of the law.

I will to the best of my knowledge and skill discharge all my duties thereof faithfully according to law.

So help me God.

#### *Affirmation*

I, A.B., having been appointed a member of the Fire and Rescue Service do solemnly affirm and declare that I will well and truly serve Her Majesty Queen Elizabeth the Second and Her Heirs and Successors as a member of the Fire and Rescue Service of Antigua and Barbuda without favour, malice or ill-will and that I will abide by the law, rules and regulations which are or may be established under the Fire and Rescue Service Act, and will prevent to the utmost of my power the contravention of the law.

I will to the best of my knowledge and skill discharge all my duties thereof faithfully according to law.

Passed the House of Representatives on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed the Senate on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

.....  
*Speaker.*

.....  
*President.*

.....  
*Clerk to the House of Representatives.*

.....  
*Clerk to the Senate.*

## EXPLANATORY MEMORANDUM

The main objective of the Fire and Rescue Services Bill 2023 is to provide the legislative framework for the operations of the Fire and Rescue Service

In order to fulfil the stated objective, the bill has been organized into Parts and Divisions which address specific areas. The bill is divided as follows:

- **Part 1 comprising of clauses 1-4**, covers the preliminary matters to the bill. A notable feature of this Part is the new title of the fire department and the governing legislation. Upon passage of the Act, the department will be referred to as the **Fire and Rescue Service**, replacing the present Fire Brigades Act. Key terms used throughout the bill are defined in clause 2 and clause 4 makes it very clear that upon commencement of this Act, the Police Act and the accompanying regulations shall no longer apply to the Fire and Rescue Service. Under clause 1, the Minister has the option to commence various parts of the bill at different times. This will allow for any administrative framework to be put in place before the Service is fully autonomous.
- **Part 2 consisting of clauses 5 to 8** sets out the establishment, constitution and objectives of the Fire and Rescue Service. Note that in addition to preventing and controlling the outbreak of fire, one of the objectives of the Fire and Rescue Service is to educate the public preventative measures to safeguard life and property. Under clause 8, the bill indicates that the Fire and Rescue Service will adopt the National Fire Protection Association Codes as the official fire code for Antigua and Barbuda.
- **Part 3 encompasses clauses 9 to 13** and addresses issues such as eligibility for recruitment into the Service, remuneration and modes of exiting the Fire and Rescue Service. A key feature under Part 3 is the option available to police officers to have the option to transfer to the Fire and Rescue Service.
- **Part 4, which is sub-divided into Divisions 1, 2 and 3**, outlines critical provisions pertaining to the duties, powers and functions of the Fire and Rescue Service.
- **Part 5** addresses the Chief Fire Officer, who will be in command of the Fire Service. The passage of this bill will give the person holding the position more autonomy to make decisions, particularly as this individual will be directly involved with supervising the daily operations of the Fire and Rescue Service.
- **Part 6** introduces a feature that is not present in fire legislation around the region, which is that of rescue operations. Under this Part, it is clear that the Fire and Rescue Service shall be the lead agency in search and rescue operations, but also that the Service may co-ordinate with other organizations to carry out rescue operations. It also directs that the Fire and Rescue Service shall have Fire Suppression Plans and a policy for dealing with Hazardous Materials and mitigation of the effects of such materials.

- **Part 7** addresses offences which may be committed by members of the Fire and Rescue Service, as well as offences which persons may commit against the Service and its officers.
- **Part 8** establishes the creation of the Fire Service Board which shall be responsible for appointing persons to the Service, promoting officers to higher ranks within the Service and approving transfers. The Fire Service Board will also be responsible for disciplining fire officers and approving the dismissal of any officer from the Service.

The Fire and Rescue Service Welfare Association is also established under this Part. The aim of this body will be to enable subordinate fire officers to consider and bring to the attention of the Chief Fire Officer, matters which affect the general welfare and efficiency of the subordinate fire officers.

- **Part 9** deals with miscellaneous issues including the safety of fire officers as they execute their duties, immunities afforded to fire officers, future alliances between the Fire Service and the Police Force and the savings of provisions of the Police Act and regulations until this Act and its relevant regulations have been commenced and brought into force.

Hon. Steadroy Benjamin

.....  
**Minister of Public Safety**